



QUALIFI Level 5 Diploma in Law (610/1092/3)

Qualification Specification

June 2022

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About QUALIFI

QUALIFI is recognised and regulated by Ofqual (Office of Qualifications and Examinations Regulator). Our Ofqual reference number is RN5160. Ofqual regulates qualifications, examinations, and assessments in England.

As an Ofqual recognised Awarding Organisation, QUALIFI is required to carry out external quality assurance to ensure that centres approved for the delivery and assessment of QUALIFI's qualifications meet the required standards.

Why Choose QUALIFI Qualifications?

QUALIFI qualifications aim to support learners to develop the necessary knowledge, skills and understanding to support their professional development within their chosen career and or to provide opportunities for progression to further study.

Our qualifications provide opportunities for learners to:

- apply analytical and evaluative thinking skills
- develop and encourage problem solving and creativity to tackle problems and challenges
- exercise judgement and take responsibility for decisions and actions
- develop the ability to recognise and reflect on personal learning and improve their personal, social, and other transferable skills.

Support for the Qualification Development

During the development of this qualification QUALIFI consults with a range of employers, providers, and existing centres where applicable, to ensure rigor, validity, and demand for the qualification and to ensure that the development considers the potential learner audience for the qualification and assessment methods.

Equality and Diversity

QUALIFI's qualifications are developed to be accessible to all learners who are capable of attaining the required standard. QUALIFI promotes equality and diversity across aspects of the qualification process and centres are required to implement the same standards of equal opportunities and ensure teaching and learning are free from any barriers that may restrict access and progression.

Learners with any specific learning need should discuss this in the first instance with their approved centre who will refer to QUALIFI's Reasonable Adjustment and Special Consideration Policy.

Qualification Title and Accreditation Number

This qualification has been accredited to the Regulated Qualification Framework (RQF) and has its own unique Qualification Accreditation Number (QAN). This number will appear on the learner's final certification document. Each unit with the qualification has its own RQF code. The QAN for this qualification is as follows:

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Qualification Aims and Learning Outcomes

Aims of the QUALIFI Level 5 Diploma in Law

The aim of the QUALIFI Level 5 Diploma in Law is to provide learners the opportunity to acquire a broad range of knowledge and understanding and develop a range of skills essential for a successful career in law. There is also the opportunity to progress to a higher-level qualification in law including a bachelor's degree final year. The suite of qualifications in this sector will aim to provide the underpinning knowledge of the law contributing to preparation for the Solicitor's Qualifying Examination

Learning Outcomes of the QUALIFI Level 5 Diploma in Law.

The overall learning outcomes of the qualification are for learners to:

1. Understand historical events leading to the development and nature of Equity.
2. Understand the rationale for the Europeans Union's creation.
3. Understand the nature of interests in real property.
4. Understand the nature and purpose of liability in tort.

The learning outcomes and assessment criteria for each unit are outlined in the Unit Specifications.

Delivering the Qualification

External Quality Assurance Arrangements

All centres are required to complete an approval process to be recognised as an approved centre. Centres must have the ability to support learners. Centres must commit to working with QUALIFI and its team of External Quality Assurers (EQAs). Approved Centres are required to have in place qualified and experienced tutors, all tutors are required to undertake regular continued professional development (CPD).

Approved centres will be monitored by QUALIFI External Quality Assurers (EQAs) to ensure compliance with QUALIFI requirements and to ensure that learners are provided with appropriate learning opportunities, guidance, and formative assessment.

QUALIFI's guidance relating to invigilation, preventing plagiarism and collusion will apply to centres.

QUALIFI, unless otherwise agreed:

- sets all assessments;
- moderates' assessments prior to certification;
- awards the final mark and issues certificates.

Learner Induction and Registration

Approved Centres should ensure all learners receive a full induction to their study programme and the requirements of the qualification and its assessment.

All learners should expect to be issued with the course handbook, a timetable and meet with their personal tutor and fellow learners. Centres should assess learners carefully to ensure that they are able to meet the requirements qualification and that if applicable appropriate pathways or optional units are selected to meet the learner's progression requirements.

Centres should check the qualification structures and unit combinations carefully when advising learners. Centres will need to ensure that learners have access to a full range of information, advice, and guidance to support them in making the necessary qualification and unit choices. During recruitment, approved centres need to provide learners with accurate information on the title and focus of the qualification for which they are studying.

All learners must be registered with QUALIFI within the deadlines outlined in the QUALIFI Registration, Results and Certification Policy and Procedure.

Entry Criteria

Approved Centres are responsible for reviewing and making decisions as to the applicant's ability to complete the learning programme successfully and meet the demands of the qualification. The initial assessment by the centre, will need to consider the support that is readily available or can be made available to meet individual learner needs as appropriate.

The qualification has been designed to be accessible without artificial barriers that restrict access, for this qualification applicants must be aged 18 or over.

In the case of applicants whose first language is not English, then IELTS 6 (or equivalent) is required. International qualifications will be checked for appropriate enrolment to UK higher education postgraduate programmes where applicable. The applicants are normally required to produce two supporting references, at least one of which should preferably be academic.

Recognition of Prior Learning

Recognition of Prior Learning (RPL) is a method of assessment (leading to the award of credit) that considers whether learners can demonstrate that they can meet the assessment requirements for a unit through knowledge, understanding or skills they already possess, and so do not need to develop through a course of learning.

QUALIFI encourages centres to recognise learners' previous achievements and experiences whether at work, home or at leisure, as well as in the classroom. RPL provides a route for the recognition of the achievements resulting from continuous learning. RPL enables recognition of achievement from a range of activities using any valid assessment methodology. Provided that the assessment requirements of a given unit or qualification have been met, the use of RPL is acceptable for accrediting a unit, units, or a whole qualification.

Evidence of learning must be valid and reliable. For full guidance on RPL please refer to QUALIFI's *Recognition of Prior Learning Policy*.

Data Protection

All personal information obtained from learners and other sources in connection with studies will be held securely and will be used during the course and after they leave the course for a variety of purposes and may be made available to our regulators. These should be all explained during the enrolment process at the commencement of learner studies. If learners or centres would like a more detailed explanation of the partner and QUALIFI policies on the use and disclosure of personal information, please contact QUALIFI via email support@QUALIFI-international.com

Learner Voice

Learners can play an important part in improving the quality through the feedback they give. In addition to the on-going discussion with the course team throughout the year, centres will have a range of mechanisms for learners to feed back about their experience of teaching and learning.

Professional Development and Training for Centres

QUALIFI support its approved centres with training related to our qualifications. This support is available through a choice of training options offered through publications or through customised training at your centre.

The support we offer focuses on a range of issues including:

- planning for the delivery of a new programme
- planning for assessment and grading
- developing effective assignments
- building your team and teamwork skills
- developing learner-centred learning and teaching approaches
- building in effective and efficient quality assurance systems.

Please contact us for further information.

Progression and Links to other QUALIFI Programmes

Completing the **QUALIFI Level 5 Diploma in Law** will enable learners to progress to:

- QUALIFI Level 7 Diploma in related areas.
- Bachelor's degree final year
- Employment in an associated profession.

Qualification Structure and Requirements

Credits and Total Qualification Time (TQT)

The QUALIFI Level 5 Diploma in Law is made up of 120 credits which equates to 1200 hours of TQT.

Total Qualification Time (TQT): is an estimate of the total amount of time that could reasonably be expected to be required for a learner to achieve and demonstrate the achievement of the level of attainment necessary for the award of a qualification.

Examples of activities that can contribute to Total Qualification Time include: guided learning, independent and unsupervised research/learning, unsupervised compilation of a portfolio of work experience, unsupervised e-learning, unsupervised e-assessment, unsupervised coursework, watching a prerecorded podcast or webinar, unsupervised work-based learning.

Guided Learning Hours (GLH): are defined as the time when a tutor is present to give specific guidance towards the learning aim being studied on a programme. This definition includes lectures, tutorials, and supervised study in, for example, open learning centres and learning workshops, live webinars, telephone tutorials or other forms of e-learning supervised by a tutor in real time. Guided learning includes any supervised assessment activity; this includes invigilated examination and observed assessment and observed work-based practice.

Rules of Combination for QUALIFI Level 4 Diploma in Law

All Units are mandatory.

Unit Reference	Mandatory Units	Level	Credit	GLH	TQT
J/650/3141	Equity and Trusts	5	30	120	300
K/650/3142	EU Law	5	30	120	300
L/650/3143	Land Law	5	30	120	300
M/650/3144	Law of Tort	5	30	120	300
Totals			120	480	1200

Achievement Requirements

Learners must demonstrate they have met all assessment criteria for all units to achieve this qualification. QUALIFI will issue certificates to all successful learners via their registered centres.

Awarding Classification/Grading

This qualification grading is: **Pass/Fail**.

All units will be internally assessed through written assignment, internally marked by the QUALIFI approved centre and subject to external quality assurance by QUALIFI.

Assessment Strategy and Methods

QUALIFI will provide written assessment tasks for each Unit of this qualification. These tasks will address all Learning Outcomes and related Assessment Criteria, all of which must be demonstrated/passed in order to achieve the qualification.

The tasks will enable learners to draw on 'work-related' information and/or examples wherever possible. Some assessment tasks will contain a practical assignment which will require observation by an assessor, see Assessment Guidance for further information.

The assessment tasks will require learners to draw on real organisational information or case studies to illustrate their answers. To support this activity during the programme of learning, centres are required to make sure that they include case studies of relevant organisations and, wherever possible, encourage learners to draw on work-place opportunities to undertake research and investigation to support their learning.

QUALIFI provide a Candidate Workbook for each unit that Learners should use to record their answers and/or cross-reference any supporting evidence relating to a practical task. Approved centres should request a copy of the assessment workbook.

Learner assessments will be internally marked by the Approved Centre and will be subject to external moderation by QUALIFI prior to certification.

Unit Specifications

Unit DL501: Equity and Trusts

Unit code: J/650/3141

RQF level: 5

Unit Aim

This unit will equip learners with in-depth knowledge and understanding of the principles governing the law of Equity and Trusts. The unit aims to enable learners to understand and apply equitable rules to fact-based scenarios, to identify and resolve issues that potential clients may face in the context of different types of trusts and equitable remedies.

Learners will explore how equity interrelates with other legal topics and how equitable principles apply in domestic and commercial context.

Learning Outcomes and Assessment Criteria

Learning Outcomes	Assessment Criteria
When awarded credit for this unit, a learner will:	Assessment of this learning outcome will require a learner to demonstrate that they can:
1. Understand historical events leading to the development and nature of Equity.	1.1 Explain key historical events leading to the development of Equity.
	1.2 Examine the relationship between law and equity.
	1.3 Explain the meaning of equitable maxims.
2. Understand the requirements for the creation of valid trusts.	2.1 Analyse the features of different types of trusts.
	2.2 Apply statutory rules and their case law interpretations in appropriate scenarios.
	2.3 Analyse the impact of illegality on legal presumptions.
3. Understand the concept of the beneficiary principle and exceptions.	3.1 Examine the need for a human beneficiary in private express trusts.
	3.2 Illustrate established exceptions to the beneficiary principle.
	3.3 Describe the various methods by which gifts to

	unincorporated associations may be affected.
4. Understand equitable remedies	4.1. Evaluate conditions for tracing in law and in equity.
	4.2 Appraise the application of the change of position defence.
	4.3 Assess when specific performance or injunction can be granted.
5. Understand trustees' administrative powers and duties.	5.1 Explain when power of advancement and maintenance can be utilised by the trustees.
	5.2 Differentiate correctly between administrative duties and fiduciary duties.
	5.3 Evaluate trustees' defences for the breach of administrative duties.

Suggested Resources

Duddington, J. (2019). Equity and trusts. Harlow, England: Pearson Education Limited.

Evans, M., Jones, B.L. and Power, T.M. (2016). Equity and trusts. Chatswood Nsw, Australia: Lexisnexis Butterworths.

JGG (2005). Opinion: REFLECTIONS ON EQUITY AND PURPOSE TRUSTS. Trusts & Trustees, 11(9), pp.4–5.

Hayton, D. (2012). Trusts & Equity – STAR trusts. Amicus Curiae, 1998(4).

Unit DL502: EU Law

Unit code: K/650/3142

RQF level: 5

Unit Aim

This unit will equip learners with knowledge of the European Union legal system and the main substantive aspects of the European Union laws. The unit aims to enable learners to understand the history that led to the creation of the union, the political institutions of the EU, the role and the jurisdiction of the Court of Justice.

Learners will be introduced to the fundamental rights given to individuals guaranteed by the Union and to the relationship between European and national laws.

Learning Outcomes, and Assessment Criteria

Learning Outcomes	Assessment Criteria
When awarded credit for this unit, a learner will:	Assessment of this learning outcome will require a learner to demonstrate that they can:
1. Understand the rationale for the European union's creation.	1.1 Examine the historical events of the 20th century leading to the creation of the EU.
	1.2 Evaluate the original objectives of the EU.
	1.4 Compare and contrast the original objectives of the European Union with its current position.
2. Understand the institutions of the European Union.	2.2 Evaluate the functions and powers of the EU institutions.
	2.2 Examine the extent of the jurisdiction of the European Court of Justice.
	2.3. Explain the voting system of the EU Council.
3. Understand how European Union laws are enforced.	3.1 Evaluate the doctrine of supremacy.
	3.2 Compare and contrast Treaties, regulations and directives.
	3.3 Assess direct and indirect effect.

4. Understand EU law on the free movement of goods.	4.1 Explain the meaning of freedom of 'goods' and 'services.
	4.2 Evaluate the prohibition of fiscal and regulatory barriers to free movement.
	4.3 Analyse justifiable derogations from the principle of free movement of goods.
5. Understand EU law on the free movements of persons and the freedom of establishment.	5.1 Explain the terms 'worker' and 'establishment' in relation to EU law on free movement.
	5.2 Examine the rights of workers under the EU law on free movement.
	5.3 Analyse the exemptions to the EU law on free movement.

Suggested Resources

Foster, N.G. (2018). EU Law Directions. Oxford: Oxford University Press. Copyright.

Utrilla Fernández-Bermejo, D. (2019). Market freedoms and private interactions under EU law. China-EU Law Journal.

Ruffert, M. (2013). Personality under EU Law: A Conceptual Answer towards the Pluralisation of the EU. European Law Journal, 20(3), pp.346–367.

Kirk, E. (2019). EU law. Harlow, England: Pearson Education Limited.

Unit 503: Land Law

Unit code: L/650/3143

RQF level: 5

Unit Aim

This unit will equip learners with an in-depth knowledge and understanding of the principles governing land law. The unit aims to enable learners to appreciate the scope of estates and interests in land and their method of protection.

Learners will explore the meaning of real property, the types of legal and equitable interests in land, the principles of registration and its purpose and the rules behind the operation of selected proprietary rights.

Learning Outcomes and Assessment Criteria

Learning Outcomes	Assessment Criteria
When awarded credit for this unit, a learner will:	Assessment of this learning outcome will require a learner to demonstrate that they can:
1. Understand the nature of interests in real property.	1.1 Compare and contrast between legal and equitable interests in land.
	1.2 Differentiate between personal and proprietary interests.
	1.3 Explain different types of licences and ownership.
2. Understand the concept and application of proprietary estoppel.	2.1 Explain the meaning of proprietary estoppel.
	2.2 Analyse the conditions for its creation
	2.3 Examine available remedies.
3. Understand the nature and purpose of easements.	3.1 Explain the rules for creation and acquisition of legal and equitable easements.
	3.3 Distinguish between negative and positive easements.

	3.3 Explain how easements are extinguished.
4. Understand the nature and purpose of freehold covenants.	4.1 Distinguish between positive and restrictive covenants.
	4.2 Explain how the benefit and burden run in law and in equity.
	4.3 Explain how freehold covenants are discharged or modified.
5. Understand the application of adverse possession.	5.1 Explain how adverse possession is established.
	5.2 Illustrate registered owners' protection against adverse possession under the LRA 2002.
	5.3 Illustrate the advantages of registered proprietor in the context of adverse possession.

Suggested Resources

Clarke, S. and Greer, S. (2018). Land law. Oxford: Oxford University Press.

Duddington, J. (2018). LAW EXPRESS: land law.

Kim, N.-W. (2019). The footsteps of administrative law and public land law - Focusing on land planning law -. Korean Public Land Law Association, 87, pp.259–285.

Land Use Law & Zoning Digest. (1983). Land Use Law & Zoning Digest, 35(12), pp.3–3.

Unit DL504: Law of Tort

Unit code: M/650/3144

RQF level: 5

Unit Aim

This unit will equip learners with in-depth knowledge and understanding of the principles governing the law of tort. The unit aims to enable learners to understand the foundations of tortious liability, remedies and defences. It further aims to enable learners to apply rules governing a variety of specific torts to fact-based scenarios and to identify and resolve issues that claimants and defendants may face.

Learners will explore how tort interrelates with criminal law and how social and political decisions impact on the understanding of negligence.

Learning Outcomes and Assessment Criteria

Learning Outcomes When awarded credit for this unit, a learner will:	Assessment Criteria Assessment of this learning outcome will require a learner to demonstrate that they can:
1. Understand the nature and purpose of liability in tort.	1.1 Analyse the aims of tortious liability. 1.2 Analyse main examples of torts, their essential components, defences and remedies. 1.3 Appraise the rules for prevention of harassment and intentional harms.
2. Understand the duty of care for the purpose of establishing liability in tort.	2.1 Assess when a duty of care will be imposed. 2.2 Assess the consequences of third parties' interventions. 2.3 Illustrate circumstances when psychiatric harm can be compensated.

3. Understand the nature of employers' and occupiers' liability.	3.1 Distinguish between primary and vicarious liability.
	3.2 Explain employers' duties to provide safe system and place of work.
	3.3 Examine occupiers' duties to visitors and non-visitors.
4. Understand the principles of nuisance claims.	4.1 Distinguish between private and public nuisance claims.
	4.2 Compare and contrast effective and ineffective defences.
	4.3 Appraise the rule in Rylands v Fletcher.
5. Understand the principles of defamation.	5.1 Define libel and slander.
	5.2 Assess the conditions for a claim in defamation.
	5.3 Evaluate the utility of available remedies.

Suggested Resources

Martín-Casals, M. (2010). The Impact of the Principles of European Tort Law (PETL) in Spanish Case Law. *Journal of European Tort Law*, 1(3), pp.306–327.

Gandhi, B.M. (1990). *Law of tort*. Lucknow: Eastern Book Co. New York, N.Y.

Grubb, A. (2002). *The law of tort*. London Butterworths Lexisnexis C.

Harpwood, V. (1996). *Law of tort*. London: Cavendish.

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